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Superior Court of California, County of San Diego
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Attorneys for Defendant, The Honorable David Rubin, Judge of the Superior Court of
California, County of San Diego

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RAYMOND ROBINSON,

Plaintiff,

v.

DAVID RUBIN AND BRIAN
CORNELL,

Defendants.

Case No. 08-CV-0244 W (BLM)

DEFENDANT JUDGE RUBIN'S
NOTICE OF MOTION TO DISMISS
THE COMPLAINT WITH PREJUDICE

**[No Oral Argument Pursuant to Civil
Local Rule 7.1(d.1)]**

Date : April 1, 2008
Time : 10:30 a.m.
Crtm : 7 (3rd Floor)
Judge : The Hon. Thomas J. Whelan

TO PLAINTIFF RAYMOND ROBINSON IN PRO SE:

PLEASE TAKE NOTICE that on April 1, 2008, at 10:30 a.m., in Courtroom
7, on the Third floor of the United States District Court for the Southern District of
California, located at 940 Front Street, San Diego, California 92101, before the
Honorable Thomas J. Whelan, Defendant The Honorable David Rubin, Judge of the
Superior Court of California, County of San Diego, will move to dismiss Plaintiff's
Complaint pursuant to Federal Rules of Civil Procedure ("FRCP") rules 12(b)(1),
12(b)(2), and 12(b)(6), on the following grounds:

1 1. FRCP 12(b)(1) ("lack of jurisdiction over the subject matter")--This
2 Court lacks jurisdiction over the subject matter of this action based upon state
3 sovereign immunity; and the *Rooker-Feldman* abstention doctrine, that a federal
4 court lacks the authority to review a state court decision;

5 2. FRCP 12(b)(2) ("lack of jurisdiction over the person")--This Court lacks
6 jurisdiction over Defendant based upon the principle of sovereign immunity of the
7 State;

8 3. FRCP 12(b)(6) ("failure to state a claim upon which relief can be
9 granted")--The Complaint fails to state a claim for which relief can be granted against
10 the moving Defendant based upon the principle of judicial immunity, and because
11 Plaintiff cannot state a claim for conspiracy.

12 The Motion to Dismiss will be based on this Notice, on the Memorandum of
13 Points and Authorities filed herewith, and on the Request for Judicial Notice of
14 Exhibits A-F (filed herewith), and Declaration of Cheryl L. Brierton (filed herewith),
15 on the pleadings and other papers filed herein and on such argument that may be
16 presented at the hearing hereon.

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18 Respectfully submitted,

19 DARLENE A. DORNAN, Court Counsel
20 Superior Court of California, County of San Diego

21 DATED:

22 February 28, 2008

By: s/ Cheryl L. Brierton

23 CHERYL L. BRIERTON, Litigation Attorney
24 Attorney for Defendant, The Honorable David Rubin,
25 Judge of the Superior Court of California, County of
26 San Diego
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